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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,634

09/26/2003

Al Baker

501054-A-01-US (Baker)

8083

7590

03/28/2005

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,634	<b>Applicant(s)</b> BAKER	
	<b>Examiner</b> Anh V La	<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-15, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples (US 5,889,845).

Regarding claim 1, Staples discloses a method for routing a communication to a user comprising the step of receiving a communication 106 destined for the user, routing the communication to the user based on a predicted presence of the user at one or more communication devices (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 2, Staples discloses the predicted presence being recorded as a rule identifying one or more communication device that should receive a communication during one or more time intervals (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 3, Staples discloses the predicted presence being based on a presence pattern indicating a probability of the user to be present on one or more communication devices at a given time (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 5, Staples discloses extracting presence information from one or more presence data stores (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 6, Staples discloses a user registration process (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 7, Staples discloses observing activities of the user (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 8, Staples discloses observing a behavior of the user over time on the device.

Regarding claim 9, Staples discloses analyzing the behavior on the device (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 10, Staples discloses a method for determining a presence pattern of a user at one or more communication devices comprising the step of monitoring a presence of a user 106 at one or more communication device, and detecting at least one pattern of behavior indicating that a user is likely to be present at a given communication device during a particular time (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 11, Staples discloses recording the pattern of behavior as a rule identifying one or more communication devices that receives a communication during one or more time intervals (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 12, Staples discloses extracting presence information from one or more presence data stores (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 13, Staples discloses a system for routing a communication to a user comprising a memory 344, at least one processor 346 for receiving 340 a communication destined to the user, and routing 342 the communication to the user based on a predicted presence of the user at one or more communication devices.

Regarding claim 14, Staples discloses the predicted presence being recorded as a rule identifying one or more communication device that should receive a communication during one or more time intervals (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 15, Staples discloses the predicted presence being based on a presence pattern indicating a probability of the user to be present on one or more communication devices at a given time (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 17, Staples discloses extracting presence information from one or more presence data stores (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 18, Staples discloses a user registration process (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 19, Staples discloses observing activities of the user (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 20, Staples discloses observing a behavior of the user over time on the device.

Regarding claim 21, Staples discloses analyzing the behavior on the device (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples in view of McKendry (US 6,021,176).

Regarding claims 4 and 16, Staples discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a plurality of communication devices. McKendry teaches the use of a plurality of communication devices (abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a plurality of communication devices to the method of Staples as taught by McKendry for the purpose of routing the communication to many locations.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fields, Cooper, and Naqvi disclose presence detecting system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
March 04, 2005